expires 22/08/08

Development Control – Delegated Officer Report

Application Number: ADC/0270/08 **Recommendation - Permit**

Site: **Ground Floor 16 - 18 East Street Shoreham-by-Sea West Sussex BN43 5ZE**

Proposal: **Retention of bi-folding front doors (renewal of ADC/0267/06)**

The Application

The application is a re-submission for the retention of a set of bi-folding doors at the Angel bar in East Street, subsequent to the temporary permission ADC/0267/06 having expired.

The premises are located on the east side of East Street 45 metres from the junction with Brighton Road (A259). The proposal is for the retention of four wooden framed, bi-folding front doors to the main bar area on the north side of the front elevation.

Site history

The temporary permission granted was for one year and was subject to a planning condition requiring that the doors be locked shut by 7pm every evening. The application site had the original change of use application to a café / bar (SU/130/05) refused on the basis that the use of the rear yard of the premises by customers would give rise to disturbance and detriment to the residential accommodation situated in close proximity, contrary to policies AG1 and AS1 of the ADLP and DEV1 of the WSSP.

The site history shows that in the site inspection notes by an Officer for the refused planning application SU/224/83/TP (Conversion of ground floor to hot-food 'take-away') that the building originally had 'folding opening doors rather than standard shop windows'.

The applicant has submitted a supporting statement in which they say they feel the doors are sympathetic to the original design of the building and that they upgraded the glass to double glazed 'K' units to ensure efficient heat and sound qualities were maximised whilst providing added security.

Consultations and Representations

West Sussex County Council: The Conservation Architect has not commented on this application, but on the original application for the bi-fold doors (ADC/0267/06) stated that provided the front façade is painted and the repairs finished, then the folding doors and the fascia will sit reasonably in the streetscene.

The Highways Authority have stated that the doors do not appear to be in a location where they could obstruct the highway, and that developments of this kind are unlikely to cause a large increase in pedestrian traffic. They go onto request that an informative be attached to any permission to let the applicant know that a licence and liability insurance is required from the Highway Authority for street trading.

Adur district Council: The Environmental Health Officer states that there have been no further complaints regarding the misuse of the doors at the front of the premises during the temporary permission. However there have been complaints about people gathered on the street outside the premises due to the introduction of the smoking ban. It is also stated that the noise abatement notice is no longer valid as there is a new premises licence holder. The Local Authorities Coordinators of Regulatory Services (LACORS) state that noise from the street would not be covered by the statutory nuisance provisions. The EHO has no objections to permission being granted provided the same conditions from the temporary permission are attached.

Adur district Conservation Advisory Group: Have not commented on the application, but had no objection to the design of the original application (ADC/0267/06).

Third Parties: There has been one letter of objection received from the occupiers of 13 East Street, located directly opposite the premises on the west side of East Street. They state that since the Angel bar has been open they have suffered a high amount of noise and disturbance with the doors shut, and that if planning permission is given for the doors to be open it will make matters worse, particularly for their children who sleep at the front of the building.

One letter in support of the proposals has been received from occupier of 20 East Street, the attached premises. They fully support the retention of the doors, and feel that the continental style café attracts customers to all the businesses, and should be supported. He goes on to state that when he started his business 25 years ago that the premises at No.18 had an opening frontage.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, CH4, DEV1.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AB4, AB14, AB21, AS1. Design Bulletin No.2 'Shopfronts'.
PPG24 'Planning and Noise' (dept of the Environment 1994).
PPS6 'Planning for Town Centres' (ODPM 2005).

Planning Assessment

The main concern is whether the bi-folding doors have caused unacceptable damage to the residential amenity of the surrounding flats and houses during the period of the temporary permission.

There is a statutory duty to pay attention to the need to preserve or enhance Conservation Areas. Local Plan policy AB4 also requires design and construction materials be of a high standard. The premises are located within Shoreham town centre where Local Plan policies AS1 and AB21 apply. AS1 states that permission will be granted provided there will be no loss of amenity to nearby residents, and development is of a scale and design, including construction materials, appropriate for the locality. AB21 reinforces policy AS1 in that new shopfronts should be of appropriate design and materials which respect the character of both the Conservation Area and the building.

PPG24 'Planning and Noise' emphasises that where it is not possible to achieve a separation of land uses, LPA's should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through the use of conditions.

Character of Conservation Area

With regard to the proposals effect on the character and appearance of the conservation area, it is noted that the premises had folding doors in 1983. The design and materials used match those of the existing front doors to the property and repairs and re-painting has been undertaken. The proposals therefore do not detract from the character or appearance of the conservation area and are considered to contribute positively to the vibrancy and vitality of the town centre.

Residential amenity

The Environmental Health Officer has stated that no further complaints have been received regarding use of the doors in contravention to the restrictive planning condition, which requires the doors to be shut by 7pm. The noise abatement notice that was served (although no longer is relevant to the licence holder) also required the doors to be shut by 7'o'clock.

The noise disturbance from the street has been exacerbated by the introduction of legislation banning smoking in public places. Now patrons who smoke have to do so at the front of the Angel bar in East Street.
(The rear courtyard is not for use for members of the public), and this would occur irrespective of whether the doors are open or closed.

The location of residential accommodation in this area of the town centre, close to other commercial premises would expect to have a high level of ambient noise during the daytime associated with the comings and goings in the busy shopping street, and noise from standing traffic on the A259 which has a junction close by.

The management of the bi-folding doors appears to have been done so in accordance with both the noise abatement notice and the planning condition. It is therefore considered that provided the bi-folding doors continue to be locked closed by 7pm that they would not result in an excessive amount of noise disturbance to the surrounding dwellings.

Although the noise from smokers outside the premises are not covered by the statutory nuisance provisions, if the disturbance became unacceptable the terms of the licence could be reviewed under Environmental Health legislation.

Recommendation

APPROVE for reason that :-

The development preserves the character and appearance of the Conservation Area and, subject to continued compliance with the conditions, does not result in unacceptable detriment to the amenities of neighbouring properties. It consequently does not conflict with the relevant policies of the Adur District Local Plan (AG1, AB4, AS1, AB21) and the adopted West Sussex Structure Plan (LOC1, AB14, CH4, DEV1).

1. The bi-folding doors shall be kept closed between 7pm and 8am daily.
   Reason: *In the interests of residential amenity and to comply with policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

Case Officer: [signature] PB 1/8/08
Date: 01.08.08

Planning Services Manager: [signature]
Date: 1/8/08

Development Control Committee Chairman:
Date: A. J. Mills 3/08/08.